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SUBJECT: GOC-ELN GUARANTORS WILL PUBLISH DRAFT PEACE ACCORD
TO PRESSURE PARTIES

Classified By: Political Counselor John S. Creamer
Reason: 1.4 (b,d)

Summary

¶1. (C) The GOC-ELN civil society guarantors will publicize a draft peace agreement on December 11 aimed at spurring greater progress in the talks. The draft agreement, which guarantor Moritz Akerman said was aimed primarily at the ELN, suggests implementing a ceasefire and release of ELN kidnap victims starting May 1. It also suggests an amnesty for most ELN members, and their demobilization; Akerman said demobilized terrorists would have to hand in their arms, but disarmament is not mentioned in the proposal. Akerman reported Peace Commissioner Luis Carlos Restrepo was pleased with the proposal and hoped it would flush out the ELN's commitment to peace. End summary.

Guarantors' Concern About Stalled Process

¶2. (C) Akerman said the guarantors are concerned the GOC and ELN have failed to establish concrete proposals and implementation dates during their four rounds of exploratory talks to date. At the most recent session in Havana, the guarantors were dissatisfied with what Akerman characterized as "interminable discussion about the nature of conflict" instead of elaboration of practical initiatives. In late-November meetings with the ELN and Restrepo, Akerman said the guarantors had the impression both sides were interested in moving forward, but lacked confidence in each other. The guarantors regarded the ELN as more confident as a result of the GOC's "para-politician" scandal, and some ELN Central Command members were suggesting postponing the December 14 Havana talks to see how much weaker the GOC would get. Akerman reported the guarantors aimed to force the ELN to take a position on sensitive issues such as ceasefire and release of kidnap victims.

Public Proposal on the Way

¶3. (C) Akerman explained the guarantors planned to hold a press conference on Monday, December 11 at the Colombian

Congress to publicize a guarantor proposal to the GOC and ELN, and call for a public response. The guarantors will publish the proposal in the El Tiempo (Bogota) and El Colombiano (Medellin) newspapers the following day. The proposal also calls for ELN military commander and negotiator Antonio Garcia to come to Bogota and explain the ELN's response publicly.

¶4. (C) The proposal provides for three phases of concrete implementation. The first, from January 1-April 31, is focused on humanitarian and political processes, including the formation of a verification commission that would address ceasefire and release of kidnap victims. It also includes initiatives related to displaced people, demining, release of ELN child soldiers, and "alternative development" in areas of significant narcotics presence. The guarantors' proposal suggests amnesty for ELN "rebels"; Akerman said this contemplated amnesty for ELN members associated with "rebellion." (Note: Under Colombian law, "rebellion" excludes war crimes and crimes against humanity, such as torture, forced disappearances, forced displacement, and genocide; Colombia's adherence to the Rome Statute of the International Criminal Court expanded Colombian law's definition of crimes against humanity to include categories such as assassinations, and kidnapping, if systematic and on a "massive" scale. End note.) Akerman said the first phase would have to reach an understanding on how the ELN would finance itself during the peace process.

¶5. (C) The second phase, from May 1-October 31, would involve a mutual ceasefire, and release of all ELN kidnap victims. The proposal says the GOC would begin to release ELN prisoners during this phase; Akerman said there were some 1,500. The demobilized ELN members would return to their communities, some of which would be named, "Special and

Experimental Zones." Akerman said the idea of the zones was to concentrate GOC and international assistance in limited areas to maximize its effectiveness. He added that ELN members who demobilized would be expected to hand in any weapons, but the proposal did not address disarmament explicitly because the subject was still too sensitive when the ELN faced the FARC in the field. The GOC would convoke a "national convention" in June, as distinct from a "constituent assembly." The national convention would involve civil society and political party participation and make legal and policy recommendations, not enact constitutional changes.

¶6. (C) The third phase, from November 1-December 31, would evaluate progress to date and extend the ceasefire. The verification commission would report on ceasefire issues and matters related to kidnap victims and ELN prisoners.

Prefatory Language Causing Debate

¶7. (C) Akerman reported the guarantor proposal would preface its terms with three suggestions: on a "peace tax" to fund investment in rural areas, a call to open the media to more diverse points of view, and a recognition that Colombia's conflict will not be solved unless narcotics trafficking is addressed. He said the guarantors were not in agreement on how to formulate the suggestions. Some supported a harder line than others and wanted to urge rejection of a "war tax," form an "international commission" to promote a more open media, and promote drug legalization, while others were opposed.

Restrepo Reportedly Happy with Proposal

¶8. (C) Akerman told us Restrepo was pleased with the proposal when shown it on December 5. Restrepo took issue with a few points, including the "harder line" prefatory suggestions, but Akerman said the peace commissioner hoped

the proposal would flush out the ELN's commitment to peace. Restrepo has previously criticized the guarantors for failing to pressure the ELN, concluding they did not have leverage over the terrorist group. In comments published in El Tiempo on December 4, Restrepo said the "hour of truth" had arrived for the ELN: it must decide if it was committed to the political process or would continue its terrorist activities.

He noted the ELN continued to kidnap at the rate of one person a week, and was increasingly involved in narcotics trafficking.

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